



Thursday, December 7, 2017

The Questions and Answers Report will convene at
on Thursday, December 7, 2017 at Austin City Hall
301 W. Second Street
Austin, TX



Mayor Steve Adler
Mayor Pro Tem Kathie Tovo, District 9
Council Member Ora Houston, District 1
Council Member Delia Garz, District 2
Council Member Sabino "Pio" Renteria, District 3
Council Member Gregorio Casar, District 4
Council Member Ann Kitchen, District 5
Council Member Jimmy Flannigan, District 6
Council Member Leslie Pool, District 7
Council Member Ellen Troxclair, District 8
Council Member Alison Alter, District 10

The City Council Questions and Answers Report was derived from a need to provide City Council Members an opportunity to solicit clarifying information from City Departments as it relates to requests for council action. After a City Council Regular Meeting agenda has been published, Council Members will have the opportunity to ask questions of departments via the City Manager's Agenda Office. This process continues until 5:00 p.m. the Tuesday before the Council meeting. The final report is distributed at noon to City Council the Wednesday before the council meeting.

QUESTIONS FROM COUNCIL

17. Agenda Item # 17: Authorize an amendment to the Indefinite Delivery/Indefinite Quantity construction contract with Bilfinger Westcon, Inc., for the installation of chilled water piping in the right-of-way, for early extension of the three one-year extension options in an amount of \$9,000,000, for a total contract amount not to exceed \$15,000,000.

QUESTION:

The RCA states: "...a chilled water transmission project had to be added to the two-year term resulting in the expenditure of the initial contract amount before the end of the initial term." Please explain why a chilled water transmission project was necessary and was added. Please explain why the need for the chilled water transmission project was not known at the time of initial approval of the Indefinite Delivery/Indefinite Quantity contract. COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

The IDIQ contract is typically used to deliver chilled water projects that are smaller and less complex, or where a stand-alone bid process would place the utility at risk of not meeting the agreed upon customer service date. The project referenced in the question and RCA was initially bid as a stand-alone project to connect a customer to Austin Energy's downtown district cooling system. Due to issues with the original contractor and since the customer's chilled water service date was approaching, Austin Energy employed the IDIQ contract already in place to perform the work. (The RCA to approve the IDIQ contract is at <http://www.austintexas.gov/edims/document.cfm?id=268370>.) While the work was within the utility's authority, it resulted in the expenditure of the initial term of \$6 million earlier than planned. Please note that this RCA is not to change the total contract authority, but rather to make available the remaining authority sooner than originally anticipated.

26. Agenda Item #26: Authorize execution of an interlocal agreement with the Texas Facilities Commission for development of Phase One of the 2016 Texas Capitol Complex Master Plan.

QUESTION:

How many state public hearings were conducted since 2013? What dates were the public hearings, how many people testified at each, what were their names, and where do they reside?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

See attachment.

QUESTION:

1. Part of the rationale for the state project is to move state workers from leased space to state-owned properties thereby saving the state money over the long haul. How much leased office space do you expect to vacate in each phase?
2. Please clarify whether the owners of the spaces currently leased by the state pay city property taxes. If not, please provide a reasonable estimate of what the property values are currently and how much taxes we are currently forgoing (and then might reasonably expect to accrue in the future).
3. Please provide that information for all relevant public taxing entities.
4. Please provide the addresses of the currently leased space that the state expects to vacate.
5. Item 26 asks us to waive \$6.8 million in temporary use of right-of-way permit fees. Does that amount cover more than just phase I?
6. If not, would we expect additional ROW fees to be needed in subsequent phases.
7. Would those fee waivers require Council approval?

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

1. Pending
2. Pending
3. Pending
4. Pending
5. No; the fee estimates are only for Phase 1.
6. Response from TFC pending .
7. Yes

QUESTION

1. Please provide documentation which describes how the City of Austin can gain access to the funds in the Balance Owed by column. Provide examples of exactly what the funds can be used for. What are the limitations to the use of the funds?
2. Will the Texas Facilities Commission be amenable to establish a toll free number and an email address for constituents to report concerns, issues or give feedback?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER

1. Texas Government Code Sec. 2166.052 contemplates a ledger system by which the City and the Texas Facilities Commission (TFC) can exchange property interests. A credit on this ledger can be used against an acquisition of a future property interest from TFC. Currently, credits on the ledger cannot be used against the acquisition of property interests from any other state agency.
2. Pending.

QUESTION:

1. Please provide additional information regarding the estimated relocation costs for the trees evaluated for transplant in the Capitol Complex.

2. Please confirm the total number of trees in the City's right-of-way that are proposed for removal as a part of the Capitol Complex project. Please identify how many of those trees are classified as Heritage trees.
3. Please confirm the total number of State employees being relocated to the Capitol Complex broken down by those that are currently in the downtown area and those that are being relocated from other areas of the City.

COUNCIL MEMBER POOL'S OFFICE

ANSWER:

1. The City of Austin worked closely with the Waller Creek Conservancy to evaluate transplant candidates in the project area. Attached for your information is additional information regarding the trees identified as candidates for relocation.
2. Pending
3. Pending

QUESTION:

1. Has the Texas Facilities Commission team coordinated with the City of Austin Music Office ON strategies for sound mitigation for the proposed amphitheater?
2. Will the State agree to a term in the interlocal agreement that commits to voluntary compliance with City sound regulations for performances at the Capitol Complex amphitheater?

MAYOR PRO TEM TOVO'S OFFICE

ANSWER:

Pending

QUESTION:

Would it be possible for you to provide one document that lists the following:

- Cash payments - every cash payment the State (or TFC) is anticipated to pay for during Phase One and what the payment is for (this includes permit fees, inspection fees, etc).
- Ledger transactions - every estimated fee and what the fee is for that is expected to be waived by the City and added to the ledger between the City of Austin and the TFC.

COUNCIL MEMBER FLANNIGAN'S OFFICE

ANSWER:

Cash payments:

The Texas Facilities Commission will pay all fees tied to a cost service for all aspects of Phase One of the Capitol Complex project. As previously noted, City regulations and building review/permitting requirements do not apply to State construction projects on State land. The City will not be reviewing or permitting the buildings proposed for Phase One. The City will review, permit and collect fees associated with all work in the City's right-of-way (see response to question below from CM Kitchen). Those fee types include, but are not limited to:

- o Review and inspection of relocated City utilities
- o Review and inspection of any temporary City utilities required

- o Review and approval of water/ wastewater service extension requests
- o Review and inspection of traffic control plans
- o Permitting and inspections for excavation in City right-of-way
- o Review of any needed license agreements for items such as temporary suspension utility crossings and tie-backs

In a previous response provided to Council in June 2017, the estimated amount of the fees associated with the fees described above was \$492,224. However, with the recent FY 2017/18 budget adoption, fees have changed, and a new estimate has not been computed.

Ledger transactions:

The only fees proposed for waiver are temporary use of-right-of way permit fees which are fees assessed for temporarily closing public right-of-way. Over a five year period, those fees are estimated to be \$6.8M. Attached is a detailed accounting of the associated calculations. This document was also submitted as backup to Item 27. All costs for staff review of traffic control plans and staff inspections associated with closing public right-of-way are not proposed to be waived.

QUESTION

Please provide a list of administrative City actions that would be required for the development of Phase One of the Capitol Complex Master Plan.

COUNCIL MEMBER KITCHEN

ANSWER:

Because this is a State project, all administrative City actions would be limited to review, approval, and inspection of applications, plans, and construction for all work in the City's right-of-way. Examples of the work to occur in the right-of way and the associated administrative functions include:

- Review, approval, and inspection of relocated City utilities
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- 28.** Agenda Item #28 Authorize negotiation and execution of a Section 108 Family Business Loan Program loan to The Renaissance Project, LLC (doing business as Café Medici) to refinance existing debt and to fund non-construction costs associated with the development of a new headquarters and coffee roasting facility in leasehold space located at 1023 Springdale Road in an amount not to exceed \$800,000.

QUESTION:

The RCA states, "The project proposes to create 30 full-time jobs within five years for residents, which exceeds HUD requirements that, FBLP borrowers create at least one full-time job for every \$35,000 in loan funds." Will the jobs created be at or above the City's adopted living wage?

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

The business owners of Café Medici Michael and Alison Vaclav have expressed a commitment of creating the 30 new jobs at or above the City's adopted living wage.

The Mission of the City of Austin Section 108 Family Business Loan Program is to enable existing family owned small businesses and in the micro loan section of the program to provide existing family owned small businesses or startup businesses to implement business ventures that will create jobs, revitalize communities, increase the tax base of the City, and enhance the overall quality of life for all City of Austin residents.

The Family Business Loan Program (HUD Section 108) as approved by Housing and Urban Development (HUD) and the City of Austin Council Resolution 20120524-015 are required to satisfy HUD Public benefit and National Objective standards(As cited in approved criteria)

- Create or retain at least one full-time equivalent, permanent job per \$35,000 of CDBG funds used for all such activities.
- Fifty one percent (51%) of new jobs created under this program must be offered to City of Austin residents that have a low and moderate income; or be located in a census tract having a poverty rate of 20% or higher (HUD Presumption Rule)
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- 36.** Agenda Item #36: Approve an ordinance amending the Fiscal Year 2017-2018 Police Federal Department of Justice Asset Forfeiture Fund Budget (Ordinance No. 20170913-001) to increase requirements in the amount of \$890,337 to fund the construction contract for the Public Safety Training Academy Tenant Finish Out.

QUESTION:

What is the source and allowable uses of these specific Asset Forfeiture Funds? COUNCIL MEMBER FLANNIGAN'S OFFICE

ANSWER:

The source of this funding comes from administrative and judicial (criminal and civil) forfeitures. These are explained in detail in the memo prepared for Council in June 2016 and forwarded to the Council through a separate Attorney-Client Privilege communication. The allowable uses are addressed in the memo prepared for Council in May 2016 and forwarded through a separate Attorney-Client Privilege communication.

The Department of Justice funds being used for the related item on this agenda in the amount of \$1,523,500 is for a project that has been in the works since 2011. Due to the extensive renovations required on the current structure and the amount of the request, the department sought and received Department of Justice approval to use these funds. The remainder of the funds

existing in the account have been reserved for a DNA outside testing contract approved by council on February 16, 2017.

38. Agenda Item #38: Approve an ordinance authorizing acceptance of \$249,091 in additional grant funds from the Department of Housing and Urban Development, Emergency Solutions Grants Program and amending the Fiscal Year 2017-2018 Austin Public Health Department Operating Budget Special Revenue Fund (Ordinance No. 20170913-001) to appropriate \$249,091 for the delivery of homeless services.

QUESTION:

Will these monies provide intake services for homeless persons who do not reside downtown and therefore have difficulty accessing centralized homeless services housed downtown?

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

This one-time funding from the U.S. Department of Housing and Urban Development (HUD) has been approved for serving individuals experiencing homelessness in the downtown Austin area. As a next step after the success of the Summer Pilot to address crowding, public safety and K2 use around the ARCH these funds will be focused on the hard to serve homeless identified through HOST and other outreach efforts around the ARCH. Other local funding has been allocated for providing services to the homeless population in other parts of our community.

47. Agenda Item #47: Authorize negotiation and execution of a contract with Community Technology Network, or the other qualified offeror to Request For Proposals JRH0104, to provide community technology access lab management services, for up to five years for a total contract amount not to exceed \$860,000.

QUESTION:

Who currently holds the contract for this service? The backup indicates that the two entities that bid were Community Technology Network of the Bay Area and Austin Free Net. Staff are recommending Community Technology Network of the Bay Area. Could staff please provide additional information regarding what specific components of the proposals led to the higher score for Community Technology Network of the Bay Area? Does staff have any perspective on where this organization is based, and whether they have done any similar work in Austin previously?

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

This item is being postponed indefinitely by staff.

98. Agenda Item #98: Conduct a public hearing and consider an ordinance adopting the 2015 International Fire Code and related local amendments.

QUESTION:

Does the revised draft ordinance as compared to the original draft ordinance reflect the memo circulated by the Fire Dept. on Nov. 27th regarding the adoption of the 2015 International Fire Code?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

Yes, the sections discussed in the memorandum from November 27, 2017 are included in the draft ordinance. Part 3 of the draft ordinance acknowledges the fact that the sections are being carried over as they exist today and directs the City Manager to come back to Council with any recommended changes.



Recommendation for Action

File #: 17-1509, Agenda Item #: 17.

12/7/2017

Agenda Item

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ANSWER:

The IDIQ contract is typically used to deliver chilled water projects that are smaller and less complex, or where a stand-alone bid process would place the utility at risk of not meeting the agreed upon customer service date. The project referenced in the question and RCA was initially bid as a stand-alone project to connect a customer to Austin Energy's downtown district cooling system. Due to issues with the original contractor and since the customer's chilled water service date was approaching, Austin Energy employed the IDIQ contract already in place to perform the work. (The RCA to approve the IDIQ contract is at <http://www.austintexas.gov/edims/document.cfm?id=268370>.) While the work was within the utility's authority, it resulted in the expenditure of the initial term of \$6 million earlier than planned. Please note that this RCA is not to change the total contract authority, but rather to make available the remaining authority sooner than originally anticipated.



Recommendation for Action

File #: 17-1485, Agenda Item #: 26.

12/7/2017

Agenda Item

Agenda Item #26: Authorize execution of an interlocal agreement with the Texas Facilities Commission for development of Phase One of the 2016 Texas Capitol Complex Master Plan.

QUESTION:

How many state public hearings were conducted since 2013? What dates were the public hearings, how many people testified at each, what were their names, and where do they reside?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

See attachment.

QUESTION:

1. Part of the rationale for the state project is to move state workers from leased space to state-owned properties thereby saving the state money over the long haul. How much leased office space do you expect to vacate in each phase?
2. Please clarify whether the owners of the spaces currently leased by the state pay city property taxes. If not, please provide a reasonable estimate of what the property values are currently and how much taxes we are currently forgoing (and then might reasonably expect to accrue in the future).
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6. If not, would we expect additional ROW fees to be needed in subsequent phases.
7. Would those fee waivers require Council approval?

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

1. Pending
2. Pending
3. Pending
4. Pending
5. No; the fee estimates are only for Phase 1.
6. Response from TFC pending .
7. Yes

QUESTION

1. Please provide documentation which describes how the City of Austin can gain access to the funds in the Balance Owed by column. Provide examples of exactly what the funds can be used for. What are the limitations to the use of the funds?
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COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER

1. Texas Government Code Sec. 2166.052 contemplates a ledger system by which the City and the Texas Facilities Commission (TFC) can exchange property interests. A credit on this ledger can be used against an acquisition of a future property interest from TFC. Currently, credits on the ledger cannot be used against the acquisition of property interests from any other state agency.
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QUESTION:

1. Please provide additional information regarding the estimated relocation costs for the trees evaluated for transplant in the Capitol Complex.
2. Please confirm the total number of trees in the City's right-of-way that are proposed for removal as a part of the Capitol Complex project. Please identify how many of those trees are classified as Heritage trees.
3. Please confirm the total number of State employees being relocated to the Capitol Complex broken down by those that are currently in the downtown area and those that are being relocated from other areas of the City.

COUNCIL MEMBER POOL'S OFFICE

ANSWER:

1. The City of Austin worked closely with the Waller Creek Conservancy to evaluate transplant candidates in the project area. Attached for your information is additional information regarding the trees identified as candidates for relocation.
2. Pending
3. Pending

QUESTION:

1. Has the Texas Facilities Commission team coordinated with the City of Austin Music Office ON strategies for sound mitigation for the proposed amphitheater?
2. Will the State agree to a term in the interlocal agreement that commits to voluntary compliance with City sound regulations for performances at the Capitol Complex amphitheater?

MAYOR PRO TEM TOVO'S OFFICE

ANSWER:

Pending

QUESTION:

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what the payment is for (this includes permit fees, inspection fees, etc).

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COUNCIL MEMBER FLANNIGAN'S OFFICE

ANSWER:

Cash payments:

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QUESTION

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COUNCIL MEMBER KITCHEN

ANSWER:

Because this is a State project, all administrative City actions would be limited to review, approval, and inspection of applications, plans, and construction for all work in the City's right-of-way. Examples of the work to occur in the right-of way and the associated administrative functions include:

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- Review and approval of any needed license agreements for items such as temporary suspension utility crossings and tie-backs



Council Question and Answer

Related To

Item #26

Meeting Date

December 14, 2017

Additional Answer Information

QUESTION:

How many state public hearings were conducted since 2013? What dates were the public hearings, how many people testified at each, what were their names, and where do they reside? COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

The following response was provided by the Texas Facilities Commission:

The following public hearings were held between 2013 and November 2017. Please note that State processes differ significantly from City processes with regard to public hearing. Legislative committees set hearing agendas and invite attendance and/or expert testimony from State Agencies pertinent to the subjects under consideration. Public engagement typically occurs when controversial matters are considered and the Capitol Complex Master Plan and Phase One Development do not fall into this category. As discussed in item 4 of the backup document provided by TFC, TFC received public input through numerous meetings with a wide variety of local entities, including the State Agencies located in Austin which are candidates for relocation to the Capitol Complex.

Date:	Committee:	Invited Testimony:	Public Testimony:
12/1/2014	Partnership Advisory Commission	None	None
3/24/2015	House Appropriations Committee	Harvey Hilderbran Rob Ries Peter Maass John Raff	None
4/08/2015	Senate Finance Committee	Harvey Hilderbran Rob Ries Peter Maass John Raff	None
11/10/2015	Partnership Advisory Commission	None	None
2/17/2016	Texas Facilities Commission	Peter Maass	None
3/23/2016	Texas Facilities Commission	Peter Maass	None
7/21/2016	Joint Oversight Committee on Government Facilities	Harvey Hilderbran Peter Maass	None

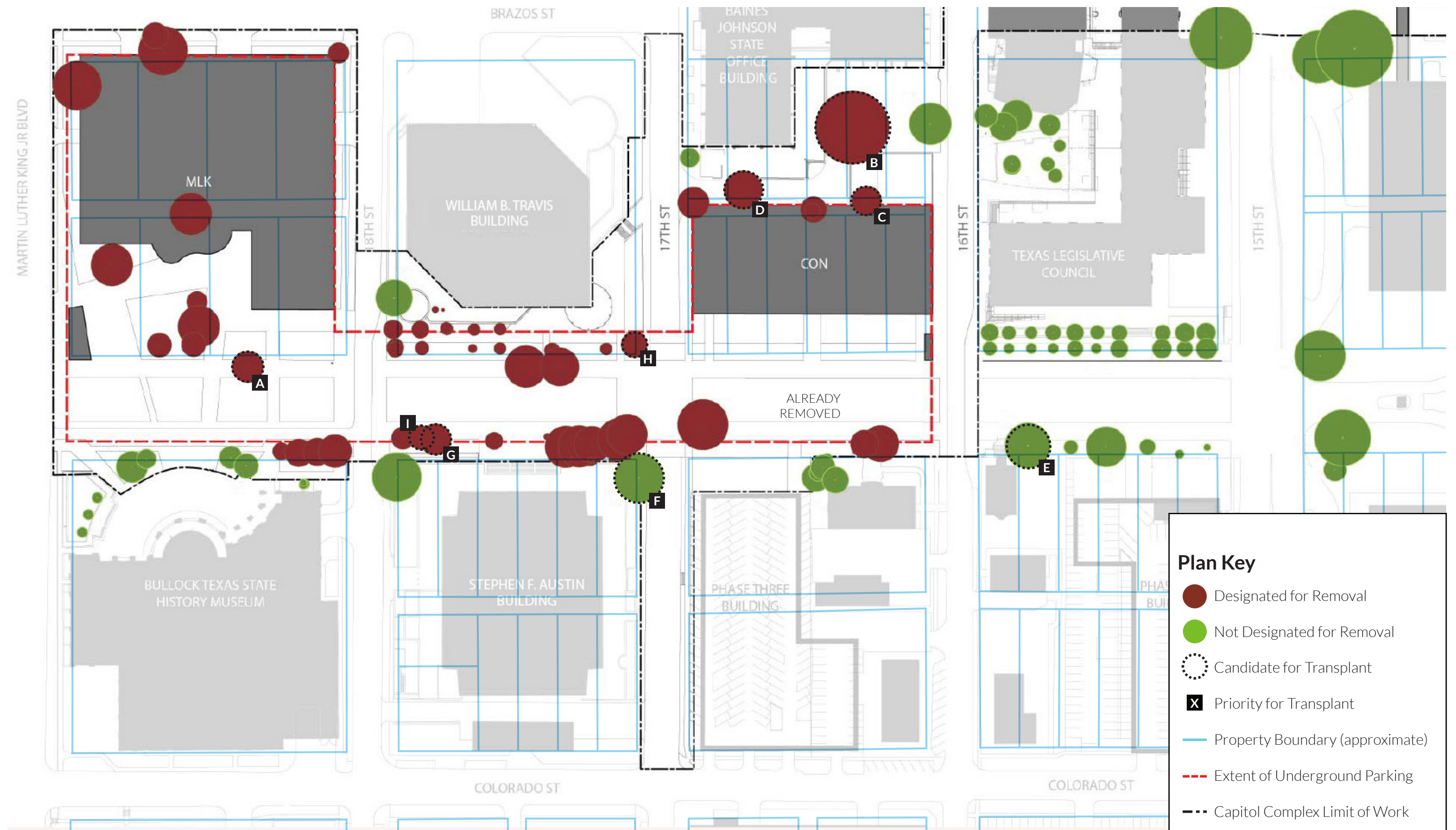
Peter Maass, John Raff, and Rob Ries reside in Austin, Texas. Harvey Hilderbran resides in Kerrville, Texas.

**Capitol Complex
Tree Relocation Candidates**

The City of Austin worked closely with the Waller Creek Conservancy to evaluate transplant candidates in the project area. Listed below are seven trees that have been identified as candidates for relocation by the Waller Creek Conservancy team. The letters correspond to the attached Tree Key. Trees E and F are not reflected on this list as they are not scheduled for removal.

Tree	Location	Species	Caliper	Estimated Relocation Cost
A	City right-of-way	Live Oak	14	\$ 47,000.00
B	State property	Live Oak	39*	\$ 220,500.00
C	State property	Live Oak	40.5*	\$ 212,000.00
D	State property	Live Oak	23	\$ 105,000.00
G	City right-of-way	Live Oak	18	\$ 55,000.00
H	State property	Red Oak	14	\$ 47,000.00
I	City right-of-way	Live Oak	12	\$ 28,500.00
TOTAL:				\$ 715,000.00

*Heritage Trees





Recommendation for Action

File #: 17-1510, Agenda Item #: 28.

12/7/2017

Agenda Item

Agenda Item #28 Authorize negotiation and execution of a Section 108 Family Business Loan Program loan to The Renaissance Project, LLC (doing business as Café Medici) to refinance existing debt and to fund non-construction costs associated with the development of a new headquarters and coffee roasting facility in leasehold space located at 1023 Springdale Road in an amount not to exceed \$800,000.

QUESTION:

The RCA states, "The project proposes to create 30 full-time jobs within five years for residents, which exceeds HUD requirements that, FBLP borrowers create at least one full-time job for every \$35,000 in loan funds." Will the jobs created be at or above the City's adopted living wage? COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

The business owners of Café Medici Michael and Alison Vaclav have expressed a commitment of creating the 30 new jobs at or above the City's adopted living wage.

The Mission of the City of Austin Section 108 Family Business Loan Program is to enable existing family owned small businesses and in the micro loan section of the program to provide existing family owned small businesses or startup businesses to implement business ventures that will create jobs, revitalize communities, increase the tax base of the City, and enhance the overall quality of life for all City of Austin residents.

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- Fifty one percent (51%) of new jobs created under this program must be offered to City of Austin residents that have a low and moderate income; or be located in a census tract having a poverty rate of 20% or higher (**HUD Presumption Rule**)



Recommendation for Action

File #: 17-1508, Agenda Item #: 36.

12/7/2017

Agenda Item

Agenda Item #36: Approve an ordinance amending the Fiscal Year 2017-2018 Police Federal Department of Justice Asset Forfeiture Fund Budget (Ordinance No. 20170913-001) to increase requirements in the amount of \$890,337 to fund the construction contract for the Public Safety Training Academy Tenant Finish Out.

QUESTION:

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ANSWER:

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Recommendation for Action

File #: 17-1513, Agenda Item #: 38.

12/7/2017

Agenda Item

Agenda Item #38: Approve an ordinance authorizing acceptance of \$249,091 in additional grant funds from the Department of Housing and Urban Development, Emergency Solutions Grants Program and amending the Fiscal Year 2017-2018 Austin Public Health Department Operating Budget Special Revenue Fund (Ordinance No. 20170913-001) to appropriate \$249,091 for the delivery of homeless services.

QUESTION:

Will these monies provide intake services for homeless persons who do not reside downtown and therefore have difficulty accessing centralized homeless services housed downtown?

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

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Recommendation for Action

File #: 17-1512, Agenda Item #: 47.

12/7/2017

Agenda Item

Agenda Item #47: Authorize negotiation and execution of a contract with Community Technology Network, or the other qualified offeror to Request For Proposals JRH0104, to provide community technology access lab management services, for up to five years for a total contract amount not to exceed \$860,000.

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COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

This item is being postponed indefinitely by staff.



Recommendation for Action

File #: 17-1511, Agenda Item #: 98.

12/7/2017

Agenda Item

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QUESTION:

Does the revised draft ordinance as compared to the original draft ordinance reflect the memo circulated by the Fire Dept. on Nov. 27th regarding the adoption of the 2015 International Fire Code?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

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